

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUSTIN J. ERBACHER,

Plaintiff,

v.

ROBLES, *et al.*,

Defendants.

Case No. 1:23-cv-01194-BAM (PC)

ORDER DENYING *IN FORMA PAUPERIS*
APPLICATION WITHOUT PREJUDICE

(ECF No. 2)

ORDER TO SUBMIT SIGNED PRISONER
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS OR PAY FILING FEE

THIRTY (30) DAY DEADLINE

Plaintiff Justin J. Erbacher¹ (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on August 10, 2023, together with a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2.)

Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff did not sign the application. Both the Federal Rules of Civil Procedure and this Court’s Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff’s application is unsigned, the application is denied, without prejudice. Plaintiff will be

¹ Based on the allegations in the complaint, the Court refers to Plaintiff using feminine pronouns. If Plaintiff has different preferred pronouns, Plaintiff may inform the Court in her next filing.

1 permitted **thirty (30) days** to file a signed application that complies with Federal Rules of Civil
2 Procedure and the Local Rules. Plaintiff does not need to submit a new copy of her certified trust
3 account statement.

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 2), is DENIED, without
6 prejudice;
- 7 2. The Clerk of the Court is DIRECTED to send to Plaintiff a blank *in forma pauperis*
8 application for a prisoner;
- 9 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file the
10 attached application to proceed *in forma pauperis*, completed and signed, or in the
11 alternative, pay the \$402.00 filing fee for this action; and
- 12 4. **Plaintiff is warned that the failure to comply with this order will result in dismissal**
13 **of this action, without prejudice.**

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15 IT IS SO ORDERED.

16 Dated: August 14, 2023

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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